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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,755

10/30/2003

Hideaki Nobusawa

17160

8759

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EXAMINER

PEREZ, JULIO R

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

12/29/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/697,755	Applicant(s) NOBUSAWA ET AL.	
	Examiner JULIO PEREZ	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 16-40.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
 See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/JULIO PEREZ/

/HUY PHAN/
 Primary Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because: Continuation of 11. does NOT place the application in condition for allowance because: Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the combination of Stenman and Shim does not teach a group of remote control codes for only one predetermined controlling operation (see page 2 of response). The examiner respectfully disagrees. Stenman describes in column 7, lines 49-65, commands via the user interface 2050 of the mobile station, also refer to Figure 4, #'s 2050, 2060, and 2025, which commands associate DTMF keys, i.e., codes, selected, also interpreted as a group or selection of, or batch (set of codes). The applicant further argues that Shim does not cure the deficiency of Stenman. That is, transmission means for transmitting to the target equipment the group of remote control codes as a batch for the only one operation to be performed (see pages 2-6 of response). The examiner respectfully disagrees. The "one predetermined controlling operation" limitation is not narrowed to exclude reasonably broad interpretation that can constitute both a single or multiple instructions to be transmitted to a targeted piece of equipment as a user's selected "operation." Thus, the examiner sustains that the reference cited encompasses transmitting means for initiating a single or multiple instruction data sets, thus, concluding that the disputed limitation reads on Shim disclosure for user's initiated transmission of plural data.

Regarding the argument that August does not cure the deficiencies of Stenman and/or Shim (see page 16 of response). For the reasons indicated previously, the examiner is not persuaded. Furthermore, it should be noted that Stenman has not been applied alone to meet the argued limitation. It is the combination of Stenman, Shim, and August what meets the argued limitations.

Regarding the argument that Wall does not cure the deficiencies of Stenman and Shim (see pages 5-6 of response). For the reasons indicated previously, the examiner is not persuaded. The examiner sustains the obviousness rejection of claims 16, 19, 22, 26, 29, 32, 36-38. Thus, the previous rejection is maintained.

Regarding the argument that Wall does not cure the deficiencies in Stenman and Shim (see page 17 of response). For the reasons indicated previously, the examiner is not persuaded. The examiner sustains the obviousness rejection of claims 39 and 40.